APPENDIX C.

From the Chief Secretary to the Dewan of Mysore, To the Superintendent of Inam Settlements, Camp No. 1261, dated Mysore, 25th September 1888.

In acknowledging the receipt of your letter No. 25, dated 31st August 1888, I am desired to say in reply that on the general question of the revision of the Kodagi Inam settlement, the Dewan has little to add to what he already recorded in his Inspection Notes of the Kolar District, paras 8 to 15 of the 14th July 1887 and para 3 of the 16th idem and to his remarks in the Dasara Address of September 1887.

2. The Dewan is of opinion that the Kodagi system is altogether out of date and was justly abolished in 1877 as being inapplicable to the present irrigation requirements of the Province, and he has no intention whatever to revive it now to any considerable extent. He is also of opinion that the rules of 1877 were in themselves fair and reasonable, but after consultation with you he arrived at the conclusion that the effect given to the Rules by the Inam Department was arbitrary and such as gave good ground for complaint in a great many cases. Under such circumstances, the present revision was ordered.

3. The Dewan is quite of your opinion that no Kodagi Inam should be treated as granted only for '*up-keep*' unless upon distinct and express proof. As a general rule, Kodagi Inams were granted for "*construction* and *up-keep*" and the grant for mere '*up-keep*' was very rare indeed. Bearing this fact in mind, the ordinary presumption is that the Inam was granted for "*construction* and *up-keep*" and there must be express proof to rebut this presumption. Government were bound to adopt such a liberal treatment when, by the abolition of an existing system, they were interfering with vested rights by an Act of the legislature, for the Rules of 1877 had and have the force of law. Under such circumstances, I am to request you to revise the cases now before you on the principles above enunciated, and to treat as falling under Class I all cases for which such treatment is now claimed, and in which you may be of opinion, (after a consideration of the entire evidence now or before adduced) that there is no proof of a grant for '*up-keep*' only.

4. The cases thus brought under Class I should be settled at ¼ or ½ quit-rent according to the fairly good order or total disrepair of the tanks concerned, *at the time of the former settlement*. The condition of a particular tank at that time can now be ascertained only by the evidence then recorded ; but in any very special case in which that evidence is impugned, you are at liberty to ascertain by enquiry from local officers the exact condition of the tanks at that time.

5. The rules, which the Dewan in previous letter said should be issued in connection with the present enquiry, were such as would make known to Kodagidars the principles enunciated in the two preceding paragraphs. As applications for revision have been already filed, it is not necessary now to indicate to the public the scope of the present enquiry, and in this view I am to add that no new rules need now be issued, and that it is not the intention of the Government at present to alter in any way the Rules of 1877, which, as before observed, have the force of law.

6. There are however two questions, which, though not immediately connected with the settlement on which you are now engaged, may yet receive useful elucidation at the present enquiry, so as to enable the Government to come to a satisfactory decision hereafter. The first of these questions is whether any Kodagidar to whom you may now confirm the Inam under Class II at ¼ quit-rent really asks for the restoration of the Inam together with the *liability* to maintain the tank, and to forfeit *entire* Inam in case of default to maintain. I am to request you to explain to all such applicants the substance of the Rules proposed in para 12 of the Dewan's Inspection Notes of Kolar, dated 14th July 1887 and to make a record of their real wishes. It is probable that many of them do not understand what they are asking for, and in most cases it will be found that they would choose the smaller evil of ¼ quit-rent rather than undertake the heavy responsibility of maintaining a tank. Persons coming under Class I, who failed to maintain their tanks and are therefore

charged ½ quit-rent, are, I am to add, liberally treated when let off with only ½ quit-rent. Persons coming under Class II are not entitled to any special consideration by way of again entrusting the tanks to their care.

7. The other question relates to small tanks with a revenue of Rs. 100 and less (referred to in para 14 of the Inspection Notes dated 14th July 1887, and para 3 of those dated 16th July 1887). This question has to be decided on general principles not directly connected with the Kodagi settlement, but the Dewan would like your collecting and recording as much information regarding them as may come up during the present enquiry. The restoration of these small tanks as a matter connected with the Kodagi settlement must be governed by the principles laid down in the last preceding paragraph.

8. In regard to every application for restoration of Kodagi tenure, I am to request that information upon the following points may be collected as far as possible :—

1. Total Achkat and assessment thereon.
2. Total occupied area and assessment thereon.
3. Quantity of land in Kodagidar's occupation and assessment thereon.
4. Condition of tank at former settlement.
5. Its present condition.
6. Was any work done to it by the Government since the settlement under the Rules of 1877, and
7. Was any work done to it by the Kodagidar since 1881, the nature of such work, and the alleged cost thereof.

Information upon the above points will enable the Government to ascertain exactly in what classes of cases a return to the old system is desired and then to devise some means of remedying any real hardship which may be found to exist, in so far as the same may be capable of a remedy.

9. I am to request that, in making an enquiry upon the above points, special care may be taken to prevent the applicants for reversion to the old system being led to anticipate the success of their applications, but you may, if you consider it necessary, inform those that allege the execution of repairs by them under the influence of hopes entertained owing to Mr. Ranga Charlu's orders, that the Government fully intend to compensate them for any real work done by them as alleged.

10. I am to suggest that the results of the revision under the principles of paras 3 & 4 of this letter may be announced by you to the parties assembled before you for the purpose, and advantage may be taken of that opportunity to ascertain their real wishes and grievances, if any, on the further question of a reversion to the old system in special cases.

11. In reply to the enquiry made in the concluding para of your letter under reply, I am to say that the present revision must necessarily be restricted to cases in which complaints are brought forward, but any cases not now brought forward *owing to ignorance or want of sufficient notice* may be received, enquired into and decided, if application for revision is made within a year after the publication of the results of the revision in the cases now before you.

No. 470411—138, DATED MYSORE, 29TH SEPT. 1888.

ORDER THEREON.—The scope of the revision of Kodagi settlement is fully explained in the last letter to Inam Superintendent, Camp No. 1261, dated 25th instant, copy of which is forwarded herewith. It is expected that most cases now settled under Class II and confirmed at ¼ quit-rent or ½ quit-rent for life will come under Class I and confirmed at ¼ or ½ quit-rent. Therefore, in all cases of complaint or objection, more than what would be recoverable at the latter rates should

not be levied. Hence the order to levy only $\frac{1}{3}$ or $\frac{1}{4}$ of arrears at present rates. Suppose for instance, a Kodagi has been settled under Class II at $\frac{1}{2}$ assessment, and the arrears due upon it for 7 years at Rs. 8 is Rs. 56. One-third of this is now levied, that is, Rs. $18\frac{2}{3}$. If the revision confirms the Kodagi under Class I at $\frac{1}{4}$ quit-rent, the annual payment would be Rs. 4 and for 7 years, it would amount to Rs. 28. Under such circumstances, the man cannot complain if we now take Rs. $18\frac{2}{3}$ from him and postpone levy of remaining Rs. $7\frac{1}{3}$ to next year. Again, if present settlement is $\frac{1}{2}$ assessment for life, and the land is fully assessed after the first life, the arrears for 7 years would amount to Rs. 112. Levy of $\frac{1}{3}$ of this or Rs. $37\frac{1}{3}$ would not be felt as hardship by one who, at the revision, may get the land confirmed to him in perpetuity for $\frac{1}{2}$ quit-rent under Class I and would therefore have to pay according to the revision settlement Rs. 56 for 7 years. Under such circumstances, instructions contained in Camp No. 189, dated 11th July 1888, were issued and Deputy Commissioners given discretion to levy only $\frac{1}{4}$ of arrears in special cases.

2. By the light of the above instructions, the Deputy Commissioners will issue necessary orders to Amildars to regulate levy of Kodagi arrears.